

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE JUDGE JAMES C MCGUIRE

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DATE: 11/15/04      TIME: 8:30      DEPT: MPR  
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CASE #: MC MS00151  
CASE NAME: CONSERVATORSHIP OF BETTY F. LOVING

HEARING:

Petition for Appointment of Conservator

COUNSEL:

|                |                           |
|----------------|---------------------------|
| GREG N MEANS   | (PET)...PRO/PER           |
| VIKI L BUYSSE  | (PET)...ALAN MERLIN REEDY |
| BETTY F LOVING | (CEE)...IGNAZIO           |

GENERAL INFORMATION:

This case is set for hearing on "OSC re: Determination of Bond" and Petition for Successor Conservator

PG accepted appointment as conservator. Court previously vacated order appointing conservator Greg Means.

At 9-27-04 hearing, Mr. Means withdrew his petition for Conservatorship. A new petition was being submitted by Vicky Buysse (daughter). Court referred matter to Court Investigator.

The Petition by Vicky Buysse was filed and is set for hearing on 11-15-04.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition by Buysee seeks independent powers to sell real and personal property. If the petition is granted, petitioner needs to be instructed that this power would not give her the power to unilaterally sell the residence of the conservator and court permission is required.
2. Petitioner is not requesting medical or dementia powers.
3. Waiting for report from CI. (re-referral)
4. Requesting bond of \$70,000
5. Need to file notice of hearing and proof of service.
6. Did not submit proposed order and letters.

RECOMMENDATION:

Need to clear notes

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CASE #: MG MS00279

CASE NAME: G'SHIP OF VINCENT KAINNE MROZEK

HEARING:

OSC re: Proof of filing

COUNSEL:

JANICE THOMAS                      (PET)...PRO/PER

VINCENT KAINNE MROZEK              (MIN)...GREGORY JOHNSON

GENERAL INFORMATION:

This case is set for hearing on Proof of Filing Matter in Missouri

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Filed.

RECOMMENDATION:

Off-calendar.

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CASE #: MG MS00293

CASE NAME: G'SHIP OF PAUL TYLER BARNAO

HEARING:

OSC re: REVIEW OF GUARDIANSHIP

COUNSEL:

NELLIE TRUJILLO      (PET)...  
JACK R VANMETER      (PET)...  
PAUL TYLER BARNAO      (MIN)...CATHERINE A VINCENT  
COURT INVESTIGATOR'S OFFICE (AGN)...  
KATHERINE BARNAO      (MOT)...ROBERT S RODDICK

GENERAL INFORMATION:

This case is set for hearing on Status for Petition to Terminate Guardianship, by mother, minor 7

Guardianship letters issued after trial in October 2003, but guardian held temporary guardianship since April 2003

Continued from 10-18-04. Court continued matter for completion of CI report.

On 10-20-04, court granted motion to consolidate Family Law Case (MFL 08554) with this guardianship action)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Basis of petition is that mother is stable, not using drugs. (Last drug test negative from 7/1/04). Has completed parenting class.
2. Written objection filed by guardians, claims that father in home yelling and disciplining minor by thumping him on the head, hitting him on the leg and giving him "wedgies". Claims that mother returns Tyler filthy
3. Need to file proof of service on petition to paternal grandmother.
4. Need CI report.

RECOMMENDATION:

Notice, CI report needed. Court may wish to continue the hearing 6 months and order father to complete parenting class prior to considering the termination petition.

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DATE: 11/15/04      TIME: 8:30      DEPT: MPR  
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CASE #: MG MS00383

CASE NAME: GUARDIANSHIP OF KAILEB AARON BENEFIELD

HEARING:

Petition for Appointment of Guardian

COUNSEL:

SANDRA L BENEFIELD      (PET)...PRO/PER

KAILEB AARON BENEFIELD      (MIN)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Guardianship, person only, by paternal grandmother, minor 8

Alleges that father is deceased and that mother is addicted to drugs

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Mother and several family members (including maternal grandparents) have signed consent.
2. Mother signed nomination only and not waiver of notice. Therefore, still need proof of personal service on mother.

RECOMMENDATION:

Need to clear note 2.

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CASE #: MG MS00385

CASE NAME: G'SHIP OF BILLIE BENJAMIN PRUDHOLME

HEARING:

Petition for Appointment of Guardian

COUNSEL:

THERESA SUSANNE BALLARD      (PET)...PRO/PER  
BILLIE BENJAMIN PRUDHOLME      (MIN)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Guardianship, person only, by non-relative, minor 12

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters issued 10-21-04.
2. Will need DCS report, as the petitioner is a non-relative.
3. Need proof of personal service on minor.
4. Need to file proof of personal service on father.
5. Mother is deceased.
6. Petition states that all grandparents are unknown. Court should require better answer as notice needs to be given to the grandparents. Does the minor know her mother's parents? What information is available regarding the father's side of the family?
7. Need to file proof of mailed service as to grandparents who can be identified, and upon DCS.

RECOMMENDATION:

Need to clear notice notes.

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CASE #: MG MS00386

CASE NAME: GUARDIANSHIP OF ASHLEY LYNN CRAWSHAW

HEARING:

Petition for Appointment of Guardian

COUNSEL:

WILLIAM J CRAWSHAW      (PET)...IRA LISS  
CYNTHIA L CRAWSHAW      (PET)...IRA LISS  
ASHLEY LYNN CRAWSHAW      (MIN)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Guardianship, person only, by paternal grandparents, minor 1 year

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters denied 11-1-04. Court ordered parties to FCS.
2. There is a serious issue regarding the safety of the minor. The father of the minor is on probation for spousal injury and the father lives with the petitioners. Petitioners allege that mother is violent and may have mental illness.
3. Court to review Confidential Screening Form.
4. Mother and father have both signed waiver of consent. They appeared at hearing on temporary guardianship. Minute order does not indicate whether they still agree to the guardianship.
5. Court may wish to appoint counsel for minor or order CI investigation on all the parties.
6. Need to file notice of hearing and proof of mailed service on CI and maternal grandparents.

RECOMMENDATION:

Need to clear notes

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DATE: 11/15/04      TIME: 8:30    DEPT: MPR  
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CASE #: MPRMS001205

CASE NAME: ESTATE OF LEE R. PARISH

HEARING:

OSC re: Inventory & Appraisal

COUNSEL:

|                 |                    |
|-----------------|--------------------|
| PHYLLIS L MAHER | (PET)...IRA N TUCK |
| LEE R PARISH    | (DEC)...           |

Off-calendar, the I & A was filed.

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CASE #: MPRMS01124

CASE NAME: IN THE MATTER OF RICHARD F PITTMAN

HEARING:

Hearing re: 1ST ACCOUNTING & PETITION FOR SETTLEMENT

COUNSEL:

|                   |                    |
|-------------------|--------------------|
| MARIETTA J BRETT  | (PET)...IRA N TUCK |
| LYNNE M REEVES    | (PET)...IRA N TUCK |
| RICHARD F PITTMAN | (DEC)...           |

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> Accounting (continued administration)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Assets of the estate include personal injury claims relating to asbestos. The estate has entered into an agreement with the heirs at law, where the estate is entitled to recover for the damages if decedent had survived and the heirs at law are entitled to recover the wrongful death damages. The parties have apportioned 90% to estate and 10% to the 2 issue.
3. The I & A contains items which cannot be self-appraised, such as the vehicle. As it looks like there will be an additional I & A filed, the Court should order that the Final contain all items which need to be appraised per the Probate Code and that it be properly signed by a probate referee.
4. Requesting an additional year to administer estate, due to issues relating to asbestos litigation.

RECOMMENDATION:

Need to clear note 1 and court needs to make order as to note 3. If approved, set next accounting for 11-21-05.



CASE #: MPRMS01124

CASE NAME: IN THE MATTER OF RICHARD F PITTMAN

HEARING:

OSC re: FILING OF INVENTORY & APPRAISAL

COUNSEL:

|                   |                    |
|-------------------|--------------------|
| MARIETTA J BRETT  | (PET)...IRA N TUCK |
| LYNNE M REEVES    | (PET)...IRA N TUCK |
| RICHARD F PITTMAN | (DEC)...           |

See prior note.

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DATE: 11/15/04      TIME: 8:30      DEPT: MPR  
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CASE #: MPRMS01266

CASE NAME: ESTATE OF FREDERICK P. ADAMS

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

|                   |          |            |
|-------------------|----------|------------|
| JEAN E BALBUENA   | (PET)... | IRA N TUCK |
| FREDERICK P ADAMS | (DEC)... |            |

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate of Will, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond, even if executor resides out of state. However, the Court has the discretion to require a bond as the proposed executor does reside out of state. If bond is required, it should be in the amount of \$170,000.

RECOMMENDATION:

RFA subject to bond issue. Once approved, set hearing for filing of Inventory & Appraisal for 5-2-05. Set hearing for accounting and/or status report for 1-9-06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

deficiencies